AMENDMENTS TO THE CLAIMS

Please amend the claims as indicated below.

1. (Currently amended) An isolated nucleic acid transcription promoter molecule having transcriptional promoter activity and at least 95 percent sequence identity ~~wherein the nucleic acid sequence of the promoter molecule hybridizes~~ to the nucleic acid sequence set forth in SEQ ID NO:1 from the thymidine at position 1 to the cytosine at position 2240 ~~in a Southern hybridization reaction performed under stringent conditions, and wherein the promoter exhibits one or more functional characteristic selected from the group consisting of:~~

~~(a) the promoter directs transcription of a second nucleic acid molecule, operably linked downstream of the promoter molecule, in HO-1 melanoma cells and the level of transcription of the second nucleic acid molecule increases when the HO-1 cells are exposed to interferon-β and mezerein at concentrations effective to induce differentiation of the HO-1 cells and for a period of time effective in inducing differentiation of the HO-1 cells; and~~

~~(b) the promoter directs transcription of a second nucleic acid molecule, operably linked downstream of the promoter molecule, in MeWo melanoma cells and the level of transcription of the second nucleic acid molecule increases when the MeWo cells are exposed to interferon-β and mezerein at concentrations effective to induce differentiation of the MeWO cells and for a period of time effective in inducing differentiation of the MeWo cells~~.

2. (Previously presented) An isolated nucleic acid transcription promoter molecule which comprises the nucleotide sequence shown in SEQ ID NO:1 from the thymidine at position 1 to the cytosine at position 2240.

3. (Previously presented) A recombinant expression construct effective in directing the

transcription of a selected coding sequence which comprises:

(a) a promoter molecule according to claim 1 or claim 2; and

(b) a coding sequence operably linked downstream to the promoter molecule, wherein the promoter is heterologous to the coding sequence.

4. (Previously presented) The recombinant expression construct of claim 3, wherein the promoter molecule is a human *Mda*-7 promoter.

5. (Currently amended) The recombinant expression construct of claim 3, wherein the promoter comprises the nucleotide sequence shown in SEQ ID NO:1 from the thymidine (T) at position 1 to the cytosine (C) at position ~~0~~ 2240.

6. (Original) The recombinant expression construct of claim 3, wherein the coding sequence encodes a tumor suppressor polypeptide.

7. (Currently amended) The recombinant expression construct of claim 6, wherein the tumor suppressor polypeptide is selected from the group consisting of p21, retinoblastoma protein or p53.

8. (Previously presented) An isolated host cell comprising the recombinant expression construct of claim 3.

9. (Previously presented) The isolated host cell of claim 8, wherein the host cell is stably transformed with the recombinant expression construct of claim 3.

10. (Cancelled)

11. (Cancelled)

12. (Cancelled)

13. (Cancelled)

14. (Currently amended) A method for expressing foreign DNA in an isolated host cell comprising introducing into the host cell a gene transfer vector comprising an isolated nucleic acid transcription promoter molecule having transcriptional promoter activity and at least 95 percent sequence identity ~~wherein the nucleic acid sequence of the promoter molecule hybridizes~~ to the nucleic acid sequence set forth in SEQ ID NO:1 from the thymidine at position 1 to the cytosine at position 2240 ~~in a Southern hybridization reaction performed under stringent conditions, and wherein the promoter exhibits one or more functional characteristic selected from the group consisting of: (a) the promoter directs transcription of a second nucleic acid molecule, operably linked downstream of the promoter molecule, in HO-1 melanoma cells and the level of transcription of the second nucleic acid molecule increases when the HO-1 cells are exposed to interferon-β and mezerein at concentrations effective to induce differentiation of the HO-1 cells and for a period of time effective in inducing differentiation of the HO-1 cells; and (b) the promoter directs transcription of a second nucleic acid molecule, operably linked downstream of the promoter molecule, in MeWo melanoma cells and the level of transcription of the second nucleic acid molecule increases when the MeWo cells are exposed to interferon-β and mezerein at concentrations effective to induce differentiation of the MeWO cells and for a period of time effective in inducing differentiation of the MeWo cells~~, wherein the promoter is operably linked to a foreign DNA molecule such that the foreign DNA molecule is downstream of the promoter, so that the foreign DNA is transcribed and expressed in the host cell.

15. (Previously presented) The method of claim 14, wherein the nucleic acid sequence of the promoter is identical to the sequence from position 1 to position 2240 of SEQ ID NO:1.

16. (Previously presented) The method of claim 14, wherein the nucleic acid sequence of the promoter is as set forth in SEQ ID NO:1.

17. (Original) The method of claim 14, wherein the gene transfer vector encodes and expresses a reporter molecule.

18. (Original) The method of claim 17, wherein the reporter molecule is selected from the group consisting of beta-galactosidase, luciferase and chloramphenicol acetyltransferase.

19. (Previously presented) The method of claim 14, wherein the introducing is carried out by a means selected from the group consisting of adenovirus infection, liposome-mediated gene transfer, and microinjection.

20. (Cancelled)

21. (Cancelled)

22. (Cancelled)

23. (Cancelled)

24. (Cancelled)

25. (Cancelled)